



ADMINISTRATIVE OFFICE
OF THE COURTS
455 Golden Gate Avenue
San Francisco, CA
94102-3688
Tel 415-865-4200
TDD 415-865-4272
Fax 415-865-4205
www.courtinfo.ca.gov

FACT SHEET

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Court Security

Court Security Costs—What Are We Paying For?

Court security costs consist primarily of salary, benefit, retirement, and equipment costs for security personnel such as sheriff-sworn peace officers, private security staff, and civilian court personnel.

- In FY 2004–2005, court security costs for the state are budgeted at \$372.9 million, or about 16 percent of the total \$2.35 billion statewide budget for the trial courts.
- Statewide, this level of funding provides the equivalent of 3,545 deputy sheriff positions and 286 sergeant positions. However, courts use a wide range of service providers to meet their security needs, including different types of law enforcement officers, private security providers, and civilian staff. About 94 percent of court security funding is paid to county sheriffs, 4 percent to civilian court attendants, and 2 percent to marshals and private security vendors.
- Statewide, courts employ a staffing ratio of 1.7 deputy sheriff equivalents for each judicial position, at a cost of approximately \$182,000 per judicial position per year.
- Court security costs vary widely between courts. For example, Alpine County, which has 2 judges, spends about \$11,000 per year for part-time security staff while Los Angeles County, with nearly 600 judicial officers, is expected to spend \$127 million on court security this fiscal year.

Court Security Costs—Public Safety Salary and Retirement Increases Are Major Factors in Expenditure Increase

Court security costs continue to rise, yet new funding has been provided only for increases in security staff salaries, benefits, and retirement. And no new funding has been appropriated to augment court security staffing levels.

- Since FY 2000–2001 court security costs have risen each year by an average of 7 percent, and the statewide court security budget has increased by about \$100 million.

- Funding has been approved primarily for increases in court security staff salary, benefit, and retirement costs, with the exception of \$15.4 million in one-time increases for equipment costs.
- Felony filings in several courts have grown substantially, which has led to a greater need for additional security staff to transport prisoners and maintain security in the courtroom. Based on a November 2004 survey, 663 court security staff perform about 2.4 million in-custody inmate transports to court each year. Courts have reported an increase in the number of complex felony cases (such as multiple defendants, or gang-related cases) that require more intensive prisoner supervision in the courtroom. No new funding has been appropriated to increase court security staffing levels.

Perimeter Security—Entrance Screening for Weapons

Court facilities statewide vary widely in the availability of entrance screening stations. Many courts lack entrance screening station in all facilities that should have them, or have insufficient staff to operate stations effectively, and 22 courts have no entrance screening in any of their court facilities. Those courts that lack entrance screening stations believe that such stations are a necessary service that would significantly improve the quality of court security.

- Currently, there are more than 450 courthouse facilities with 284 entrance screening stations in operation. Each facility may have more than one public entrance that could require weapons screening and monitoring. The equivalent of 353 deputy sheriff positions operate the existing screening stations.
- In a needs assessment conducted in October 2004, 12 courts reported that on the existing perimeter security service level, both the number of their stations and their staffing were sufficient to meet current needs.
- Responses from other trial courts, however, indicated that 83 entrance screening stations were needed statewide and that a minimum of 170 additional screening personnel were needed to operate new and existing stations; this would reduce waiting times and allow for more thorough inspection. Better entrance screening could also reduce the need for additional security staff in hallways and courtrooms.
- In FY 2004–2005, entrance screening costs statewide are expected to total \$35.4 million, or approximately 9 percent of the total statewide court security budget.

Provider/Practice	Implementation Issues
<p><i>Fully Sworn Peace Officers.</i> Provision of weapons screening at court facility entrances by fully sworn peace officers (that is, deputies or sergeants) employed by the sheriff as defined in California Penal Code section 830.1.</p> <p>As of January 1, 2005, 16 courts use fully sworn peace officers to provide entrance screening services.</p>	<ul style="list-style-type: none">• Higher personnel costs.• May not be an effective use of the limited number of deputy sheriffs provided to the court.• Sheriff responsible for providing training.• Positions can be supervised and coordinated by sheriff's staff.• Officers can be used anywhere.
<p><i>Nonsworn Public Officers.</i> Provision of weapons screening at court facility entrances by nonsworn public officers (that is, technicians, security officers, rangers, and so on) employed by the sheriff as defined in California Penal Code section 831.4. These officers are not peace officers but they may carry a firearm and may issue citations for infractions, as authorized.</p> <p>As of January 1, 2005, 7 courts use nonsworn public officer to provide entrance screening services.</p>	<ul style="list-style-type: none">• May require creation of new position classification.• Lower cost relative to using fully sworn peace officers for weapons screening.• Sheriff responsible for providing training.• Positions can be supervised and coordinated by sheriff's staff.• Limited ability to use officers in certain courtrooms.
<p><i>Civilian Court Employees.</i> Provision of weapons screening at court facility entrances by civilians employed by the court or sheriff (that is, court attendants).</p>	<ul style="list-style-type: none">• May require sheriff's agreement.• Requires coordination of court staff with sheriff's staff.• Court will need to train civilian employees to provide weapons screening.

As of January 1, 2005, only 1 court uses civilian court staff for entrance screening services.	
<i>Private Security Vendor.</i> Provision of entrance weapons screening through a contract with a private security vendor. As of January 1, 2005, 12 courts use private security vendors to provide entrance screening services.	<ul style="list-style-type: none">• May require sheriff's agreement.• Requires coordination of private security staff with sheriff's staff.• Sheriff may be unwilling to supervise and manage service.• Court may be responsible for managing contract with vendor.• Civilians cannot make arrests at screening stations.
<i>No Entrance Screening.</i> No regular entrance screening at any court facilities. As of January 1, 2005, 22 courts have no entrance screening at any court facilities in the county.	<ul style="list-style-type: none">• Greater risk that weapons and other contraband material can be brought into the courthouse.• Possible presence of unknown weapons results in greater difficulty in providing effective security inside the courthouse.

Court Attendants Supplement Court Security Staff

Because of budget and staff constraints, more courts are now using civilian court attendants to provide security in certain noncriminal cases. This practice allows sworn security staff to be redirected to more critical court security functions (for example, security in felony courtrooms, or transporting prisoners).

- Government Code section 69921 defines a court attendant as “a nonarmed, nonlaw enforcement employee of the superior court who performs those functions specified by the court, except those functions that may only be performed by armed sworn personnel. A court attendant is not a peace officer or a public safety officer.” Courts may use court attendants in courtrooms hearing noncriminal and nondelinquency actions, when the presiding judge finds that having the sheriff present is not necessary.

- Courtroom attendant duties include reporting security violations to the appropriate law enforcement agency, taking charge of juries, accepting legal documents, and serving as a liaison between judicial officers, court staff and attorneys, witnesses, and parties. In some courts, the court attendant is the only person charged with maintaining security in the courtroom, while in others, they are used to supplement the sheriff's security staff both in the courtroom and at entrance screening stations.
- Expenditures for the 262 civilian court attendants employed statewide totaled \$14.3 million in FY 2004-05. The annual cost for a court attendant ranges from \$26,520 to \$57,682.

As of January 1, 2005, eight courts use civilian court attendants for certain court security functions.

Court	Number of Court Attendant Positions	FY 2004-2005 Cost
Alameda	38.8	\$1,955,520
Butte	6	\$276,558
Los Angeles	163	\$9,402,166
Nevada	4	\$157,384
Sacramento	22	\$1,236,972
San Bernardino	22	\$1,109,399
San Joaquin	3	\$79,560
Sutter	3	\$125,061
Total	261.8	\$14,342,620

Courts Need Additional Security Staff to Monitor Public Courthouse Areas

Many courts do not have sufficient hallway and waiting areas to allow for reasonable separation between defendants, victims, jurors, and the public. As a result, court

security staff is needed to keep order in those public areas outside the courtroom. Courts both large and small have advised that greater internal security would be helpful in improving security in courthouses.

- In a needs assessment conducted in October 2004, 16 trial courts reported that the existing internal security staffing level for monitoring court facility public areas was sufficient to meet their current needs.
- Courts reported that they need at least 83 positions statewide to provide internal security for their public areas. (Note: Ten trial courts that said additional internal security positions were needed did not specify the number.)
- Courts that have no entrance screening responded that internal security was needed to supplement needed entrance screening services and that they would require fewer internal security staff positions if entrance screening were implemented.

Inadequate Court Facilities Contribute to High Costs and Poor Courthouse Security

Results from surveys and needs assessments show that the use of outdated and inadequate court facilities has caused courts and sheriffs alike to implement security procedures that are expensive and that fail to meet the courts' security needs.

Examples of costly or unsafe court security procedures resulting from inadequate facilities include:

- *No entrance screening for weapons.* Many courts, particularly those located in historic or small buildings, do not have the physical capacity to accommodate the magnetometer, x-ray machine, and staff required to operate a weapons screening station. Other court facilities have multiple entrances, making it difficult to implement weapons screening stations at a reasonable cost.
- *Lack of holding cells.* Many court facilities lack on-site holding cells for in-custody defendants transferred from the jail for court appearances. As a result, some courts must hold such defendants in empty courtrooms, monitored by several security staff. In other courts, the in-custody defendants are brought to the courthouse in small groups and held in the courtroom or hallway, while monitored by deputy sheriffs.
- *Insufficient hallway space and waiting areas.* Many courts also do not have sufficient hallway and waiting areas to allow for reasonable separation between defendants,

victims, jurors, and the public. As a result, court security staff is needed to keep order in public areas outside the courtroom.

- *Unsafe circulation areas.* Many court facilities do not have adequate circulation areas for moving inmates, judges, and staff, resulting in security staff's using inefficient or unsafe paths to transport in-custody inmates. The internal circulation patterns for a general-purpose court facility in which in-custody cases are heard should include three separate and distinct zones: for public, private, and secured circulation. The public circulation zone provides access from each public point of entry into the building. The private circulation zone provides limited-access corridors between specific functions to court staff, judicial officers, escorted jurors, and security personnel. The secured circulation zone for in-custody defendants should be completely separate from the public and private circulation zones, and should provide access between the secured in-custody entrance (sally port), central holding and intake areas, attorney interview rooms, courtroom holding areas, and the courtrooms themselves.
- With updated facilities that address these issues, many courts would be able to redeploy existing security staff more efficiently and at a lower cost.

Court Security Costs—High-Profile Court Cases

High-profile or multiple defendant cases often require a higher level of court security services than most trial courts can pay for out of existing funds. Additional security costs arise from transporting defendants, providing security for the jury and media, and managing the public.

- Security for high-profile and high-security cases reduces the amount of funding and staff resources available for a court's ongoing security needs and also reduces funding for other areas of court operations.
- Trial courts may apply for a reimbursement of extraordinary costs associated with homicide trials. This limited funding is intended to address the impact of individual homicide trials that, because of special circumstances, result in costs that exceed the limited funds available in small courts for such programs. Reimbursement can be requested for temporary help, overtime, and one-time costs such as witness fees, court reporter fees, transcript preparation charges, court interpreter costs, and security costs.
- High-profile non-homicide cases that result in extraordinary court security costs are, however, not eligible for reimbursement.

Update on Working Group on Court Security

- During its 2003 session, the California Legislature expressed concern with the ongoing rise in court security expenditures and looked for a means for stakeholders to work cooperatively to establish standards for providing court security services.
- The result was a reduction in the FY 2003–04 judicial branch budget of \$11 million (increasing to \$22 million per year in FY 2004–05), to reflect anticipated savings from the development and implementation of uniform standards and guidelines that may be used to provide security services for trial courts.
- To facilitate the development and implementation of these uniform standards and guidelines, Assembly Bill 1759 (Chapter 159, Statutes of 2003) amended Government Code section 69927 to form the Working Group on Court Security, which comprised representatives from the judicial branch, sheriffs, counties, and law enforcement labor organizations. The working group was requested to develop, for the Judicial Council to consider and act on, the following:
 - Recommendations on uniform standards and guidelines that may be used by the Judicial Council and any sheriff or marshal for the implementation of trial court security services.
 - Recommendations and policy directives to achieve efficiencies that will reduce court security operating costs and constrain growth.
 - Recommendations, as appropriate and in consultation with the Administrative Office of the Courts' Office of Court Construction and Management, regarding security considerations for court facilities.
 - Recommendations on the subject areas to be addressed in the comprehensive court security plans required under Government Code section 69925.
- Since January 2004, the working group has met several times to develop standards for allocating court security funding. Its goal was to develop a methodology for distributing court security funds based on court size, workload, and security needs.
- In February 2005 the working group approved such a methodology; it will soon be brought to the Judicial Council for final approval. Since AOC staff continues to make technical adjustments based on recent data updates, the recommended funding standards have not been completed.

Contacts:

Malcolm Franklin, Senior Manager, AOC Emergency Response and Security Unit, 415-865-8830 or malcolm.franklin@jud.ca.gov

Sara Fisher, Senior Security Coordinator, AOC Emergency Response and Security Unit, 415-865-8935 or sara.fisher@jud.ca.gov